

**Notice of Allowability**

Application No.

10/713,358

Examiner

Ehud Gartenberg

Applicant(s)

RYAN, GREGORY B.

Art Unit

3746

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers filed through 4/13/2005.
2. ☒ The allowed claim(s) is/are 1-20,22,25,27,28 and 30-43.
3. ☒ The drawings filed on 14 November 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                       |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|   | 9. <input type="checkbox"/> Other _____.  |

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Adeel Akhtar on 04/13/2005.

The application has been amended as follows: The Examiner's Amendment is identical to the claims listed in the attached proposed amendment faxed by Adeel Akhtar to the Examiner on 4/13/2005 at 12:56pm, said proposed amendment being entered and made part of this Office Action.

#### ***Allowable Subject Matter***

2. Claims 1-20, 22, 25, 27-28, 30-43 are allowed.
3. The following is an examiner's statement of reasons for allowance: the following dictionary definitions were applied during the examination:

#### **waste·wa·ter**

**waste·wa·ter** (wăst'wō'ter, -wōt'er) *noun*

Water that has been used, as for washing, flushing, or in a manufacturing process, and so contains waste products; sewage.

#### **pas·teur·i·za·tion**

**pas·teur·i·za·tion** (pās'cher-i-zā'shen, pās'ter-) *noun*

1. The act or process of heating a beverage or other food, such as milk or beer, to a specific temperature for a specific period of time in order to kill microorganisms that could cause disease, spoilage, or undesired fermentation.
2. The act or process of destroying most microorganisms in certain foods, such as fish or clam meat, by irradiating them with gamma rays or other radiation to prevent spoilage.

[After Louis Pasteur.]

## **dis·til·la·tion**

**dis·til·la·tion** (dĭs'tĭ-lā'shen) *noun*

1. The evaporation and subsequent collection of a liquid by condensation as a means of purification: *the distillation of water*.
2. The extraction of the volatile components of a mixture by the condensation and collection of the vapors that are produced as the mixture is heated: *petroleum distillation*.
3. A distillate.

Note that “pasteurization” applies only to liquids as long as they stay in the liquid phase, and does not include boiling or evaporation of the liquid, that falls under “distillation”, - a different and distinct process. Prior art does not teach in combination with the other limitations of the independent claims an apparatus and the method of using it wherein the waste heat from an electric-power generating turbine is used to pasteurize wastewater.

Patentable weight was given to the independent claims' preambles, because they breathe life and meaning into the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”


### **Conclusion**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Malholm 5212942, Liprie 20040045682, Isaksson 4827711, Dewis 20040098966.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ehud Gartenberg whose telephone number is 571 272 4828. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on 571 272 4834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Ehud Gartenberg  
Primary Examiner  
Art Unit 3746

04132005